

CPC Minutes of September 20, 2011

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, September 20, 2011 at 4:45 p.m. in the Department of the Planning and Development (DPD) 4th Floor Auditorium, 400 Westminster Street, Providence, Rhode Island.

Opening Session

Call to order: Chairman Durkee called the meeting to order at 4:48 p.m.

Members Present: Chairman Stephen Durkee, Vice Chairman Harrison Bilodeau, Meredyth Church, JoAnn Ryan and Luis Torrado

Member Absent: Andrew Cortes, Ina Anderson

Staff Present: Robert Azar and Choyon Manjrekar

Approval of meeting minutes from July 19th, 2011: Ms. Ryan made a motion seconded by Ms. Church to approve the minutes. All voted in favor. Mr. Bilodeau asked if there was more information on the rezoning of the I-195 parcels in Fox Point. Mr. Azar said he would provide more information in the Director's Report.

Director's Report – Update on the Downtown Knowledge District Study: Mr. Azar delivered the Director's report, an overview of the status of the Downtown and Knowledge district study with information on rezoning the I-195 east side parcels. He said the "Knowledge District" refers to hospital campus areas, the Jewelry District and parts of Downtown. Consultants are looking at a development framework and zoning regulations for the area. Mr. Azar said the Knowledge District Study does not include the rezoning of the I-195 east side parcels, which is a separate endeavor. The consultants had come up with six concepts that would describe how the area gets built out. Mr. Azar said the I-195 Commission would abide by the zoning that would be in place by June 30, 2012. Any changes to the zoning of I-195 parcels after that would have to be approved by the Commission. Mr. Azar said the parcels would be divided into subdistricts with different planning concepts and regulations. Mr. Azar explained each concept:

Riverwalk Expansion: The area on the West side of the Providence River is envisioned as a riverfront zone. A lot of development is not expected but regulations would preserve views and access to the waterfront. A discussion ensued on parks and the pedestrian bridge in this area.

Green link Concept: A series of green pedestrian paths would be created and link to parks on the east and west side, and move from the east side to Downtown, into South Providence and possibly Roger Williams Park. Sites along this area may be suitable for laboratories if given relief from the sidewalk edge, making them seem less overwhelming.

Interactive Place: The core of Downcity and Jewelry District has some large blocks presenting a challenge of using this area for development that is sympathetic to what exists and does not create barriers between the two districts.

Health Science Campus: Development around the Rhode Island Hospital campus, particularly along the spines of Dudley, Plain and Blackstone streets could be better organized through applying organizing principles that result in a more orderly pattern of development.

Blended edge: The concept is related to the health science campus which would promote development around the hospital that interacts with the residential neighborhoods to the West and South, incorporates mixed use development and smoothes the transition between both areas.

New Providence Gateway: The edge of the highway presents opportunities for intensive development, particularly as it relates toward building height, which could result in the creation of a striking visual gateway into Providence.

Mr. Azar said the concepts were being studied for translation into zoning regulations. The regulations would appear before the Commission before moving on to the City Council.

Mr. Bilodeau asked about the process for rezoning parcels created by the I-195 relocation in Fox Point. Mr. Azar said the parcels measured about six acres, but existing zoning cuts across parcels following the old I-195 realignment. The parcels were primarily zoned C-2 and W-2. The consensus from the neighborhood charrette was that the parcels should remain mixed use with a range of commercial activity with ground floor retail and residential development above. Mr. Azar said the I-195 Commission would be reviewing development on these parcels, but the City would decide the review process. One possibility was the zoning resembling parcel specific regulations for the parcels to be viewed as land development projects. Design regulations could be incorporated into the land development regulations. Design possibilities include setting buildings set up to the street, parking within blocks, not in front of buildings and minimizing curb cuts, especially on Wickenden Street. The DPD planned to have a meeting with the Fox Point neighborhood association to discuss possibilities. A discussion on possible development ensued.

Mr. Durkee said that the Commission would have to work quickly on reviewing the regulations.

1. Referral 3337 – Changes to the Zoning Ordinance - Review of changes to the Zoning Ordinance including dimensional regulations for residential development, projections, landscaping, signage, powers of the Zoning Board of Review, definition of storefronts and filing fees – for action

Mr. Azar introduced and described the proposed amendments. He said the Zoning Ordinance could be amended from time to time to address new issues, changes in the Comprehensive Plan and State Law.

- Changes to Article 3 – The Ordinance currently provides the option of having a setback that is identical to the average setback of houses on within 100 feet on both sides of the property. To introduce flexibility, the proposed change would allow the front yard setback to be 5 feet more or less than the average calculated setback.
- Changes to Article 4 – Article 416 was changed to reflect changes in front yard setbacks in the amendment to article 3. The trigger to come into conformance with landscaping regulations due to a change in use for a property over 40,000 SF was removed so that a change in tenant or changes in a portion of the building would not require full conformance with landscaping. Mr. Azar said there were provisions in the Ordinance to ensure adequate landscaping. A reference to a numbered definition in article 425.6 was removed as numbered definitions were eliminated in 2009. A discussion on landscaping regulations ensued.
- Changes to Article 6 – Mr. Azar said the changes to this article pertained to window signs inside or outside a store front window. Window signs are currently not taken into account when calculating the total signage on a property. The change would cap permissible window signage to 25 percent of total window area. Mr. Durkee said enforcement of the provision would be difficult.
- Changes to Article 9 – State law was amended to include physical disability as a hardship that a Zoning Board of Review may consider when reviewing a variance request. The Ordinance would reflect this change. Section 904 was changed to specify the time period in which an appeal to a Zoning Board decision may be made. The change says an appeal must be made within 20 days. A discussion on timeliness of appeals ensued. Language from state law was also introduced to clarify when an appeal may be made to a superior court.
- Changes to Article 10 – A definition for what constituted a storefront was added.
- Changes to Article 11 – Outlines the schedule for filing fees for a proposed Ordinance or amendment, which was inadvertently removed from the Ordinance.

Mr. Azar asked if the Commission had any questions. Mr. Durkee said he did not agree with changes to Article 6 as a lot of businesses like restaurants and grocery stores could be affected. Mr. Bilodeau said small retail stores may also be affected. Mr. Andrew Teitz said he thought restricting window signage could affect other signage on the building. Mr. Durkee said he did not find the change practical, but proposed that window signage be restricted to 50 percent of the window area in Downtown and Historic Districts. Mr. Bilodeau said he felt the regulation was vague as enforcement could

be difficult especially as it related to distinguishing between protected speech like political signs and advertising. Ms. Ryan said she did not agree with restricting signage by any amount in the current business climate as it could prevent businesses from displaying information like prices and product information. Ms. Ryan suggested that the change to Section 6 be deleted. Mr. Azar said the Board could recommend that the Ordinance Committee strike the change to Section 6 and make a positive recommendation in regards to the other changes.

Ms. Ryan said she was uncomfortable with providing an allowance of five feet from the average setback on small sized lots as it could result in houses with divergent setbacks. Mr. Azar said the change would allow more flexibility for smaller lots. Ms. Ryan said the flexibility could be exploited for parking in the front yard. Mr. Durkee said parking in the front yard is not permitted. A discussion ensued on front yard setbacks.

Ms. Church left the meeting at 5:58 pm, but a quorum was maintained.

Mr. Durkee said a five foot divergence from the average was excessive, but three feet would be sufficient. A discussion on accommodating porches within the setback ensued.

Ms. Ryan made a motion, seconded by Mr. Bilodeau to make a positive recommendation to the City Council to approve the Zoning Ordinance amendments with a recommendation to strike changes to Section 6 and reduce the proposed divergence from the average front yard setback to three feet instead of five feet as originally proposed. All voted in favor.

2. Referral 3338 – Petition to abandon Caroline Street - Petition to abandon Caroline Street to provide parking for neighboring restaurant – for action.

Mr. Azar introduced the proposal to abandon Caroline Street, which lies between Caroline and Nashua Street, used by vehicles exiting the highway to access North Main Street. Mr. Jeffrey Correiro, a co-owner of the restaurant said the proposal sought to provide additional parking for the restaurant. Mr. Andrew Teitz said he represented the owner of the neighboring Rite-Aid pharmacy and wanted more time to consider the situation given the possibility of Smithfield Avenue becoming a two way street. He requested a continuance to consider the matter further. Mr. Azar said the Providence Department of Public Works did not expect Smithfield Avenue to become a two way street due to the expense. A discussion ensued on neighboring property and traffic patterns in the area.

Mr. Grant Dulgarian said he believed that the cost of making Smithfield Avenue 2-way would not be expensive. Mr. Azar said that Caroline Street is an active street used by traffic, and should not be abandoned. He said the DPD was not in favor of abandoning the street. Mr. Bilodeau said he would like to see the item continued to give abutters, the DOT and Public Works a chance to voice their opinion.

Mr. Bilodeau made a motion, seconded by Mr. Torrado to continue the item until DPD staff could assemble more information.

Mr. Bilodeau made a motion seconded by Ms. Ryan to adjourn the meeting.

The meeting adjourned at 6:22 pm.

Respectfully Submitted,



Choyon Manjrekar,
Recording Secretary